

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor Patent Appl'n of: Ashley et al.

Att'y Ref. No.: 010041.02

App'l'n No.: 09/990,554

Filed: Nov. 21, 2001

Group Art Unit: 1623

Examiner: E. Peselev

Title: MOTILIDE COMPOUNDS

Mailing Address: Kosan Biosciences, Inc.
3832 Bay Center Place
Hayward, CA 94545SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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TECH CENTER 1600/2900

Commissioner for Patents
Washington, DC 20231

Sir:

This Second Supplemental Information Disclosure Statement ("SIDS") is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

A Form PTO-1449 listing the cited information is enclosed in duplicate. The Examiner is requested to return an initialed and signed copy of the form, in accordance with MPEP §609.

05/01/2003 SSITHIB1 00000100 502544 09990554

01 FC:1806 180.00 CH

This SIDS is submitted under 37 CFR §1.97(c), that is, after the expiration of the period set in 37 CFR §1.97(b) but before the mailing of a final action under 37 CFR §1.113 or a notice of allowance under 37 CFR §1.311. The Commissioner is hereby authorized to charge the fee prescribed by 37 CFR §1.17(p) against Deposit Account No. 50-2544. A fee sheet confirming such authorization is enclosed.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231.

Name of person signing certificate:

Signature:

Date:

Nancy V Impey

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4/28/03

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PATENT & TRADEMARK

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

Complete if Known

Application Number 09/990,554
Filing Date November 21, 2001
First Named Inventor Ashley
Examiner Name E. Peselev
Art Unit 1623
Attorney Docket No. 010041.02

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-2544
Deposit Account Name Koscan Biosciences

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65		Surcharge - late filing fee or oath	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130		Non-English specification	
1812 2,520	1812 2,520		For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110	2251 55		Extension for reply within first month	
1252 410	2252 205		Extension for reply within second month	
1253 930	2253 465		Extension for reply within third month	
1254 1,450	2254 725		Extension for reply within fourth month	
1255 1,970	2255 985		Extension for reply within fifth month	
1401 320	2401 160		Notice of Appeal	
1402 320	2402 160		Filing a brief in support of an appeal	
1403 280	2403 140		Request for oral hearing	
1451 1,510	1451 1,510		Petition to institute a public use proceeding	
1452 110	2452 55		Petition to revive - unavoidable	
1453 1,300	2453 650		Petition to revive - unintentional	
1501 1,300	2501 650		Utility issue fee (or reissue)	
1502 470	2502 235		Design issue fee	
1503 630	2503 315		Plant issue fee	
1460 130	1460 130		Petitions to the Commissioner	
1807 50	1807 50		Processing fee under 37 CFR 1.17(g)	
1806 180	1806 180		Submission of Information Disclosure Stmt	180.00
8021 40	8021 40		Recording each patent assignment per property (times number of properties)	
1809 750	2809 375		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375		For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375		Request for Continued Examination (RCE)	
1802 900	1802 900		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

SUBMITTED BY

Name (Print/Type) Yuan Chao
Registration No. (Attorney/Agent) 32,118
Telephone 510-731-5156
Signature *Yuan Chao*
Date *Mar. 28, 03*

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

U.S. Patent Documents

Document No.	Date	Name	Remarks
US 5,470,961	11/28/1995	Harada et al.	
US 5,854,407	12/29/1998	Harada et al.	
US 6,063,561	05/16/2000	Katz et al.	
US 6,136,961	10/24/2000	Dordick et al.	
US 6,271,255 B1	08/07/2001	Leadley et al.	
US 6,399,582 B1	06/04/2002	Hlasta et al.	
US 2002/0025936 A1	02/28/2002	Ashley et al.	See notes 1 and 2
US 2002/0192709 A1	12/19/2002	Carreras et al.	See note 1

Note 1: Co-pending, commonly assigned applications disclosed pursuant to MPEP §2001.06(b).

Note 2: A continuation of this application was been filed on Apr. 7, 2003, serial no. not yet available (attorney's docket no. 010029.07 US)

Foreign Patent Documents

Document No.	Date	Country	Remarks
WO 99/35157 A1	07/15/1999	PCT	

Other Documents

Document	Remarks
Pacey et al., "Novel Erythromycins from a Recombinant <i>Saccharopolyspora erythraea</i> Strain NRRL 2338 PIGI I. Fermentation, Isolation, and Biological Activity," J. Antibiotics 51 (11), 1029-1034 (Nov. 1998)	

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of applicable law. The materiality and "prior art" status of any item of information is a matter to be resolved during examination.

Consideration of the cited information is respectfully requested.

An Associate Power of Attorney appointing the undersigned is enclosed.

Respectfully submitted,

Apr. 28, 2003
Date

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Sheet 1 of 1

Form PTO-1449	Docket No. (optional) 010041.02	Application Number 09/990,554
INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION	Applicant: Ashley et al.	
	Filing Date: Nov. 21, 2001	Group Art Unit 1623
(Use several sheets if necessary)		

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	US 5,470,961	11/28/1995	Harada et al.	536	7.4	
	US 5,854,407	12/29/1998	Harada et al.	536	7.2	
	US 6,063,561	05/16/2000	Katz et al.	435	4	
	US 6,136,961	10/24/2000	Dordick et al.	536	7.1	
	US 6,271,255 B1	08/07/2001	Leadley et al.	514	450	
	US 6,399,582 B1	06/04/2002	Hlasta et al.	514	29	
	US 2002/0025936 A1	02/28/2002	Ashley et al.			
	US 2002/0192709 A1	12/19/2002	Carreras et al.			

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FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Translation enclosed?
	WO 99/35157 A1	07/15/1999	PCT			

OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.)

Examiner Initial	Details of Document	Translation enclosed?
	Pacey et al., "Novel Erythromycins from a Recombinant <i>Saccharopolyspora erythraea</i> Strain NRRL 2338 PIGI I. Fermentation, Isolation, and Biological Activity," J. Antibiotics 51 (11), 1029-1034 (Nov. 1998)	

Examiner	Date considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.